

## Chronology of Pertinent Documents

### 1. April 1981 – CA Class II Primacy Application

### 2. EPA/DOGGR Memorandum of Agreement (MOA)

- **Sept. 28, 1982 – CDOG / EPA MOA – CDOG signature only**

Contains the full sentence in question: “Aquifers proposed for exemption in the 1425 Demonstration and not exempted will be phased out within 18 months of the effective date of this Agreement (Attachment #3).” Refers to Attachments #2 (short version) and #3 (not exempted), and has both #2 and #3 are attached

- **Sept. 29, 1982 – CDOG / EPA MOA – color signature version**

Refers to Attachment #2 only and has no attachments attached

Full sentence re: Attachment 3, and the 18-month phase-out is missing, otherwise page appears identical to the CDOG signed version

- **Sept. 29, 1982 – CDOG / EPA MOA – separate file copies**

In conjunction with 1991 geothermal MOA, and in separate file; Refers to Attachments #2 and #3, and has both these attached

- **Nov. 11, 1982 Record of Communication by Baltay & Brasier**

ODW preference for “gentlemens’ agreement” removing the aquifer exemption discussion from the MOA because RA’s lack authority to exempt aquifers and there is no legal basis for the 18-month phase-out provision.

- **Dec. 13, 1982 – R9 Transmittal to HQ of Deputy AG letter and MOA**

MOA same as color signature version - only refers to Attachment #2 and includes longer list of aquifer exemptions (combined list of formations from short Attachment 2 and Attachment 3)

### 3. Jan. 26 1983 – R9 to HQ Fax cover with Responsiveness Summary

Regarding AEs, states that some aquifers identified by commenter had TDS > 10,000, in other cases, existing wells inject with permits in accordance with the CDOG/SWRCB MOA. Says EPA reviewed proposed AEs and approved all but two, not listed.

### 4. Feb. 11, 1983 – EPA Approval of State Class II Program

“I have determined that the California UIC program submitted by the CDOG for Class II injection wells meets the requirements of Section 1425 of the SDWA, and hereby approve it.” Effective March 14, 1983.

**5. April 4-5, 1983 – CDOG Letters to Operators**

Letters for “non-exempt aquifers which have previously been approved for injections”: 4 of the 11 fields/formations that are listed on Attachment 3.

“...all injection into these non-exempt aquifers must cease by September 14, 1984.” ... “An appeal of this decision is being prepared by [CDOG] for submittal to [EPA]. If you have any data you feel may be helpful in this appeal ... please contact this office.”

**6. June 16, 1983 – CDOG “Appeal” Letters to Same Operators**

“As a result of an appeal made by [CDOG] to the [EPA] regarding the non-exempt status of the \_\_\_\_ Zone, \_\_\_\_ field, the previous ruling has been overturned and the currently approved injection intervals in this zone have been exempted for the reinjection of produced oilfield water. This appeal could not have been made and won without your help ....”

“... termination of injection into this zone is therefore rescinded and injection may continue under the prior D.O.G. permit.”

**7. May 17, 1985 – EPA (Covington) Letter to Western Oil and Gas Association**

One purpose of the letter is to clarify which formations EPA exempted when we granted primacy.

The letter states that only some non-oil / gas formations were granted exemption; for those not exempted, it was because the formations are not USDWs due to TDS > 10,000

List of formations considered for exemption in Attachment 5; list of formations which were USDWs and exempted in Attachment 6

Attachment 6 is the long list version of Attachment #2

Letter found in EPA files in conjunction with Class I, III, IV, V state program authorization review